

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Justin Payne

Case Number: 4:15CR00245 HEA

Name of Sentencing Judicial Officer: The Honorable Henry E. Autrey
United States District Judge

Date of Original Sentence: December 7, 2015

Original Offense: Count I: Possession of an Unregistered Firearm. Count II: Damage to a Protected Computer.

Original Sentence: 18 months custody of the Bureau of Prisons on Count I, 12 months custody of the Bureau of Prisons on Count II, all such terms to be served concurrently. Two years supervised release on Count I, one year supervised release on Count II, all such terms to run concurrently.

Type of Supervision: Supervised Release

Date Supervision Commenced: July 20, 2016

Expiration Date: July 19, 2018

Assistant U.S. Attorney: Colleen C. Lang

Defense Attorney: Joel J. Schwartz

PETITIONING THE COURT

☒ To issue a summons

The probation officer believes the conditions of supervision should be modified as follows:

The defendant shall participate in the Location Monitoring Program for a period of 6 months. During this time, you will remain at your place of residence at all times and shall not leave except when such leave is approved in advance by the probation officer. As determined by the probation officer, you may be required to maintain a telephone at your place of residence without any service that would interfere with the operation of the location monitoring program for the above period. At the discretion of the probation officer, unless otherwise ordered by the Court, you may be required to wear a location monitoring device that may include Global Positioning System and/or Random Tracking. You must follow location monitoring procedures specified by the probation office.

The defendant shall not possess or use a computer, peripheral equipment, gaming equipment, cellular devices, or any other device with access to any "on line computer services, or subscribe to or use any Internet service, at any location (including employment) without the written approval of the probation office. If approval is given, the defendant shall consent to the probation office or probation service representative conducting unannounced examinations, including retrieval and

copying of all data, of any computer(s) or computer related equipment to which the defendant has access or social media and electronic communication accounts to which the defendant has access, including web enabled cell phones and gaming systems to insure compliance with this condition and/or removal of such equipment for the purpose of conducting a more thorough inspection. The defendant shall provide user names and passwords to all social media and electronic communication accounts requested by the probation office.

The defendant shall consent to having installed on the computer(s), at the defendant's expense, any hardware or software systems to monitor or filter computer use. Prior to installation of any such systems, the defendant shall allow the probation office to examine the computer and/or electronic storage device(s). The defendant shall warn any other residents, employer, or family members that the computer(s) and any related equipment may be subject to searches pursuant to this condition.

The defendant shall advise the probation office of all computers, electronic equipment, and web enabled equipment, including cell phones, to which he possesses or has access within 24 hours of obtaining same.

The defendant shall not purchase or maintain a post office box or any other type of private mail box or any type of storage locker, unit or facility without the written approval of the probation office.

The defendant shall not view, possess, or compose any material, and/or participate in any activity that involves, describes, or promotes, the unauthorized access or destruction of computer systems, websites, or other digital devices.

CAUSE

On December 7, 2015, Mr. Payne was sentenced to 18 months custody of the Bureau of Prisons to be followed by two years of supervised release. The conduct resulting in the conviction involved Mr. Payne associating with a group of individuals collectively known as the Rebel but Gangsta Black Rebels (RbG Black Rebels) and instituting a DDoS attack on the St. Louis County Police Association website. When Mr. Payne was arrested he was found in possession of a loaded firearm and a Molotov cocktail. Mr. Payne also made several concerning statements on social media associated with the killing of law enforcement officers including "Next time I get pulled over by the police I'm shooting first. I'm gonna tell them I feared for my life and that I wanted to make it home to my family." Mr. Payne also said "After I got shot a few years ago my WW2 vet Grandfather said a simple statement that I now live by. 'You're supposed to shoot them first.'" It should also be noted that during the Ferguson protests a Twitter account associated with the RbG Black Rebels placed a \$5000 reward for information regarding the location of Ferguson Police Officer Darren Wilson.

On June 9, 2016, Mr. Payne was transferred from FCI Yazoo City to Dismas House of St. Louis. He was placed on Level II and confined to the facility except for job searching. On June 23, 2016, Mr. Payne was promoted to Level III at Dismas House which allowed him to take approved recreational passes. On July 2, 2016, a Twitter account began posting from the handle @stlrbg044. On July 2, 2016, @stlrbg044 posted "The Rbg Black Rebels were set up by the FBI, Stl Pd, and othe online groups, but

Justin Payne

4:15CR00245 HEA

now we're back with more knowledge and more fight." Another post on July 2, 2016 stated "I never was a hacker bt yet I get charged wit crashing website then feds plant explosive device on me. Stay tuned for full story." These two posts led law enforcement officials to believe Mr. Payne was operating Twitter handle @stlrbg044. On July 6, 2016, @stlrbg044 posted "We don't need anymore hash tag protestors we need more street revolutionaries ready to get justice and liberation by any means. On July 6, 2016, @stlrbg044 posted "RbG Black Rebels are back in the streets. On July 6, 2016, @stlrbg044 posted "If someone hits u and all u do is explain to them how they were wrong it's a good chance they gon do it again, but if u hit bak they'll stop." On July 6, 2016, @stlrbg044 posted " @ Federal _flashes they won't stop until they start to take loses." On July 8, 2016, @stlrbg044 posted "Fuck the police and fuck the feds. #RbGBlackRebels." On July 9, 2016 @stlrbg044 posted "You won't see as many tweets on here now as you did during Ferguson Revolution, I believe actions speak louder than hash tags." On July 9, 2016 @stlrbg044 posted "Need revolutionary protest tactics holla at @stlrbg044 we went to war with the National Guard and Police in Ferguson. In the streets n online." On July 10, 2016, @stlrbg044 posted "The police don't respect peaceful protestors. They only respect direct actions. You can't fight this police state holding up a sign." On July 11, 2016 @stlrbg044 posted a picture of Micha Johnson, the Dallas police shooter with the following message "Rip to our RbG Brother. On July 11, 2016, @stlrbg044 posted "#MichaJohnson spelled out RbG before he died."

In addition to the Twitter account @stlrbg044, the probation office identified another Twitter account with the handle @BlackRebels_Stl. This account was dormant from March 30, 2015 until July 11, 2016 when the account began posting again. It should be noted Mr. Payne was taken into federal custody on the instant offense on March 31, 2015. On July 11, 2016, @BlackRebels_Stl posted "S/O to all our supporters who keep the #RbgBlackRebels name out there during our Fed Vacation. #Uhuru." On July 11, 2016, @BlackRebels_Stl posted "S/o to the two FBI agents assigned to watch this page. I would say y'all names but don't wana make it personal. #Ftp #FtFeds." On July 11, 2016, @BlackRebels_Stl posted "Stay tuned for full story of how FBI and others set out to destroy the Ferguson/Stl Black militant movemen." This information leads the undersigned to believe Mr. Payne is also operating the handle @BlackRebels_Stl. On July 11, 2016, @BlackRebels_Stl posted "The police are bringing swat teams and m16 to protest sites...Do you still wana grab that sign or something else."

Previous Violations

None

Justin Payne

4:15CR00245 HEA

U.S. Probation Officer Recommendation:

It is respectfully recommended Mr. Payne's conditions of release be modified to include the conditions noted above. Participation in the location monitoring program is recommended in light of Mr. Payne's posts regarding violent protests and assault on law enforcement officers. Conditions prohibiting computer/internet access unless approved by the probation office, computer monitoring, and a requirement to disclose all devices is recommended. These conditions will allow the probation office to approve devices in advance that are compatible with our monitoring capabilities and allow the probation office to periodically conduct unannounced examinations of the devices and social media and electronic communication accounts. A special condition restricting Mr. Payne from having a private mail box is recommended to decrease the possibility he will divert contraband to an undisclosed location. Finally, in light of the instant offense a condition prohibiting Mr. Payne from associating or participating in hacking is recommended.

Justin Payne

4:15CR00245 HEA

On July 14, 2016, this Officer presented Mr. Payne with a voluntary waiver of modification of the conditions of supervised release. He declined to sign the form. He was then presented with a CJA 22 authorizing the appointment of a public defender should the Court choose to schedule a hearing on this matter. Mr. Payne declined to sign the form and indicated he did not know if he would pursue private counsel or request a public defender. Assistant United States Attorney Colleen Lang has been contacted regarding the proposed modifications and is in agreement with the probation office.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 14, 2016

Approved,

by



Ken R. Fitzgerald
Supervising U.S. Probation Officer
Date: July 14, 2016

Respectfully submitted,

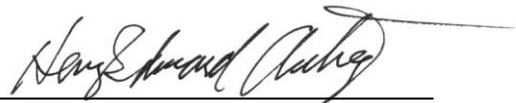
by



Michael J. Schmidt
U.S. Probation Officer
Date: July 14, 2016

THE COURT ORDERS:

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
 Appearance Date: Wednesday, July 20, 2016
 Appearance Time: 11:15 a.m.
 Courtroom Number: 10 N
☐ Other



Signature of Judicial Officer

July 14, 2016

Date